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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$47,495.00 IN U.S.
CURRENCY,

15 Defendant.
16

1:14-MC-00076-LJO

CONSENT JUDGMENT OF
FORFEITURE

17 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds: On
18 or about May 27, 2014, the Drug Enforcement Administration (hereafter
19 “DEA”) seized Approximately \$47,495.00 in U.S. Currency (the “Defendant Currency”).

20 2. The DEA commenced administrative forfeiture proceedings, sending direct
21 notice to all known potential claimants and publishing notice to all others. On or about
22 August 26, 2014, the DEA received a claim from Dady Lu Thongthipvoravong
23 (“Thongthipvoravong” or “Potential Claimant”) asserting an ownership interest in the
24 Defendant Currency.

25 3. The United States represents that it could show at a forfeiture trial that:

26 a. On May 27, 2014, DEA agents received information regarding
27 suspicious travel by Thongthipvoravong, who was traveling from Los Angeles, California to
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1 Fresno, California via American Airlines flight 2610 on the same date. DEA agents were
2 also advised that Thongthipvoravong's travel had originated in Dallas, Texas and that the
3 round trip air ticket has been purchased on the day prior (May 26, 2014) with a return date
4 of May 29, 2014.

5 b. After arrival of flight 2610, DEA agents and additional law enforcement
6 made contact with Thongthipvoravong as he exited the plane. Thongthipvoravong was
7 subsequently contacted by two law enforcement officers. When asked about the nature of
8 his travel to Fresno, Thongthipvoravong advised that he was originally from Fresno and
9 was visiting family. When asked for the names of the family members he was visiting
10 Thongthipvoravong was reluctant to provide that information. Thongthipvoravong then
11 stated that he would be visiting friends, but again was reluctant to provide the names or
12 any additional information with regard to the individuals he planned to visit.

13 c. Upon further questioning, Thongthipvoravong advised that there was
14 nothing of an illegal nature in his bag or on his person. When initially asked if he was
15 carrying any large sums of currency, Thongthipvoravong did not respond. When asked a
16 second time if he was carrying any large sums of currency, Thongthipvoravong stated that
17 he was carrying "some" money and gave consent for law enforcement to search his bag.

18 d. Upon searching the bag, law enforcement agents located a blue zipper
19 pouch with the word "Chase" written on it and another black zippered "binder" type
20 container. When asked what was in the blue pouch, Thongthipvoravong, stated that it was
21 his money. After opening the blue pouch law enforcement agents observed an unknown
22 amount of rubber banded U.S. currency inside. Thongthipvoravong stated that this was all
23 the U.S. currency he had in his possession. While Thongthipvoravong made this
24 statement, law enforcement observed the black zippered "binder" type container to be open
25 and to contain a large unknown amount of currency which was also bundled with rubber
26 bands.

27 e. At this point, one of the law enforcement agents removed the black
28 "binder" type container, containing a large amount of U.S. currency and showed it to

1 Thongthipvoravong. When asked about his statement wherein Thongthipvoravong stated
2 that the money in the blue “Chase” pouch was all he had in his possession, he did not
3 respond.

4 f. When asked why he was carrying such a large amount of currency,
5 Thongthipvoravong stated that he did not believe in banks. Thongthipvoravong advised
6 that he was a professional gambler and that he had W-2s from casinos which proved that
7 the money was his. At this point law enforcement explained to Thongthipvoravong that he
8 was free to leave but that his bag and currency would be detained while a narcotic
9 detecting canine was called to conduct a sniff test on the currency. Thongthipvoravong
10 advised that he desired to stay with his bag and money; and again stated that he was a
11 professional gambler and had W-2s to prove this was how he had obtained the money.
12 Thongthipvoravong subsequently produced the W-2s as well as other financial-type
13 documents which law enforcement copied for their records.

14 g. During contact with Thongthipvoravong, law enforcement observed his cell
15 phone ringing repeatedly. When asked if someone was picking him up in Fresno,
16 Thongthipvoravong refused to respond.

17 h. Over the course of the interview Thongthipvoravong responded to
18 questions regarding his travel plans, stating that he was here in Fresno to see some people,
19 to gamble at Table Mountain Casino, and that he planned to go to Las Vegas. When asked
20 where he intended to stay, Thongthipvoravong stated that he would be staying at hotels
21 and with friends; however, he was unable to provide the names of these hotels or the
22 names of his friends. When asked how he intended to get to Las Vegas and then back to
23 Fresno in time to make his return flight, Thongthipvoravong indicated that he might not
24 utilize the return flight.

25 i. Thongthipvoravong was very reluctant to answer questions other than how
26 he had obtained the money in his possession. When asked if he had ever been arrested or if
27 he had ever been on probation, Thongthipvoravong remained silent refusing to answer
28 either of these questions.

1 j. At approximately 10:17 p.m., a controlled sniff of the currency was
2 conducted wherein narcotic detecting canine "Tag" made a positive alert on the money for
3 the presence of narcotics.

4 k. In 2008 Dady Lu Thongthipvoravong pleaded guilty to transportation of
5 marijuana and drug paraphernalia in Yavapai County Arizona, Superior Court.

6 4. As a result of the foregoing, the United States believes it could show at a
7 forfeiture trial that the Defendant Currency is forfeitable to the United States pursuant to
8 21 U.S.C § 881(a)(6).

9 5. Without admitting the truth of the factual assertions contained above,
10 Thongthipvoravong specifically denying the same and for the purpose of reaching an
11 amicable resolution and compromise of this matter, Thongthipvoravong agrees that an
12 adequate factual basis exists to support forfeiture of the Defendant Currency.
13 Thongthipvoravong hereby acknowledges that he is the sole owner of the Defendant
14 Currency and that no other person or entity has any legitimate claim of interest therein.
15 Should any person or entity institute any kind of claim or action against the government
16 with regard to its forfeiture of the Defendant Currency, Thongthipvoravong shall hold
17 harmless and indemnify the United States, as set forth below.

18 6. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and
19 1355, as this is the judicial district in which acts or omissions giving rise to the forfeiture
20 occurred.

21 7. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial
22 district in which the Defendant Currency was seized.

23 8. The parties herein desire to settle this matter pursuant to the terms of a duly
24 executed Stipulation for Consent Judgment of Forfeiture.

25 Based upon the above findings, and the files and records of the Court, it is hereby
26 **ORDERED AND ADJUDGED:**

27 9. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered
28 into by and between the parties.

